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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,808	03/09/2000	Isidore I. Lamke	7366	2840

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EXAMINER

TON, ANABEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/521,808

Applicant(s)

LAMKE ET AL.

Examiner

Anabel M Ton

Art Unit

2875

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/11/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "said lens assembly" in line 8. There is insufficient antecedent basis for this limitation in the claim. Applicant recites a lamp assembly earlier in the claim, but does not recite a lens assembly. Because of their dependency, claims 2-8 are necessarily rejected.
4. As best understood, the following rejection is being made.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,4-6,9,10,13-15 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Vilanilam et al.
6. Vilanilam discloses a lamp assembly comprising a support circuit board (62); a plurality of light emitting diodes mounted to said circuit board (64); an electrical connection attached to said circuit board and extending outwardly of said lamp assembly (66,68); a mold in place lens material flowable about and encapsulating the

Art Unit: 2875

circuit board and light emitting diodes (col.4 lines 5-26), and formed to provide a predetermined shape for said lens assembly (col.4 lines 5-26), said electrical connection extending outwardly of said lens assembly(fig.1), the lens material being juxtaposed with the circuit board and light emitting diodes to form a generally solid body which includes the lens assembly (col.4 lines 10-26); said lens material has at least one opening formed in it for permitting attachment of said lamp assembly to another structure (col. 4 lines 21-26); the electrical connection is integrally formed with the circuit board (fig 1); the lens material has a color associated with it (col. 4 lines 14-15).

- A lamp assembly having a predetermined shape, comprising; a circuit board; a least one light emitting unit connected to said circuit board; an electrical connection attached to said light emitting unit; and a moldable lens material completely encapsulating the circuit board and light emitting unit to form a one piece unit, said lens material defining at least a portion of the predetermined shape of said lamp assembly (col.4 lines 5-26, fig 1).
- A lamp assembly having a predetermined shape, comprising; a circuit board; at least one light emitting unit connected to said circuit board; and a moldable lens material completely encapsulating the circuit board and light emitting unit so as to define a one piece lamp assembly unit, said lens material defining at least a portion of the predetermined shape of said lamp assembly, encapsulating providing at least water resistance protection for the light emitting unit (abstract, col.2 lines 40-60, col.4 lines 5-26) .

- A moldable translucent material the material being formed to define a body for the lamp assembly; a plurality of light emitting diodes attached to a circuit board wherein the circuit board has been molded within and completely covered by the material such that the material is the body of the lamp assembly and electrical leads attached to circuit board that extends through the material to allow electrical connection to the circuit board (abstract, fig. 1, col.4 lines 5-26)
- A lamp assembly comprising a circuit board, a light emitting unit connected to the circuit board and a moldable lens material, the material being formed to define a body for the lamp assembly wherein the circuit board has been submerged within the moldable lens material before hardening the moldable lens material allowed to harden such that the circuit board and light emitting unit are encased within the moldable lens material in the substantial absence of air in juxtaposition with one another (abstract, fig. 1, col.4 lines 5-26, col.2 lines 40-60)

Claim Rejections - 35 USC § 103

7. Claims 2,3,7,8,11,12,16,17 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilanilam et al.

8. Vilanilam discloses the claimed invention as recited above except for teaching the LED's are arranged in rows and columns; at least one of the rows of LEDs emits light having a color different from at least another row of LEDs

- The LED's are arranged in rows and columns (Fig 1);
- With regards to the lens assembly withstanding a force of at least 30ft-lbs per square inch of force without damage, Villanilam discloses that the lamp assembly

14 is manufactured to withstand impact tests without cracking the lens assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a lamp assembly withstand a force of at least 30ft-lbs per square inch of force without damage since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233

- With regards to at least one of the rows of LEDs emits light having a color different from at least another row of LEDs, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have rows of LED's having different colors since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. (See cited prior art Deese).
- With regards to the lens material having a color associated with it, specifically red, Vilanilam discloses it's lens as being red (col. 4 lines 61-62)

Response to Arguments

9. Applicant's arguments filed 06/11/03 have been fully considered but they are not persuasive.
10. In response to applicant's argument that Vilanilam et al is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's

endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, applicant argues that Vilanilam does not disclose a generally solid body mass of material which forms the lamp assembly as such found in the instant invention and argues that Vilanilam is put together by various pieces therefore does not define a unitary structure. Examiner disagrees for the following reason, as newly amended, the structure as claimed by applicant is anticipated in its entirety as shown in the above rejection. Vilanilam' use of o-rings to aid in sealing the with the encapsulating material does not take away from the fact that the lighting assembly indeed a *generally* solid mass of material with the aid of the encapsulating material. The citing of the Deese reference was to show the applicant of the well-known existence of a lighting device with LED's in rows and columns the rows and columns of LED's having different colors from each other. With regards to applicant's alleging of claims 18-23 being allowable over the prior art, applicant is reminded that in the response to the office action submitted October 3, 2001, applicant ELECTED claims 1-17 and 24, added claims 25-27 and claims 18-23 were CANCELLED.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AMT


Thomas M. Simbo
Primary Examiner

Anabel M Ton
Examiner
Art Unit 2875

Application/Control Number: 09/521,808
Art Unit: 2875

Page 8